

Scottish Crown Estate Bill

Child Rights and Welfare Impact Assessment

January 2018



Scottish Government
Riaghaltas na h-Alba
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CRWIA front sheet

Policy/measure	Scottish Crown Estate Bill
A general description of the policy/measure	In the 2017-18 Programme for Government, the Scottish Government committed to bring forward a Crown Estate Bill within this Parliamentary year. The Bill is essential in order to implement powers transferred via the Scotland Act 2016, provide a new legislative framework for the management of Scottish Crown Estate assets, and enable Scottish Ministers to implement the Smith Commission proposals on the Crown Estate ¹ .
Project initiation document	There is no project initiation document.
Add link to the document	The consultation document is available to view here: https://consult.scotland.gov.uk/crown-estate-strategy-unit/long-term-management-of-the-crown-estate/
Initiating department The responsible team or division. If this is a cross-cutting policy, name the team that has overall responsibility	Crown Estate Strategy Unit, Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe Division Marine Scotland Directorate
Policy aims What the policy or measure is trying to achieve; what are the expected outcomes	<p>The Bill contains a broad set of enabling powers for reform of management of Scottish Crown Estate assets which are designed to give Ministers the powers to implement whatever solution is preferred for management of the assets through secondary legislation. The Bill will enable decisions on a case by case basis and for different approaches in different parts of Scotland.</p> <p>The Bill will provide mechanisms for the transfer or delegation of management of individual assets, including where these are to be managed in the long-term by councils or community organisations, recognising that it may not be appropriate for all of the assets to be managed at the local level.</p> <p>It is the intention that Crown Estate Scotland (Interim Management) will continue to manage all Scottish assets at a national level until such time as functions in relation</p>

¹http://webarchive.nationalarchives.gov.uk/20151202171029/http://www.smith-commission.scot/wp-content/uploads/2014/11/The_Smith_Commission_Report-1.pdf

	<p>to particular assets are further devolved, on a case by case basis, via mechanisms to be contained in the Bill. Crown Estate Scotland (Interim Management) would also continue to manage those assets appropriate for management at the national level or where mechanisms for further devolution are not activated.</p> <p>The Bill will place on future managers of assets similar duties to those under the Crown Estate Act 1961, but modernised and modified to meet Scottish Ministers' current aims and priorities, i.e. to follow commercial aims, but also ensure they have discretion to take account of wider socio-economic, environmental or sustainability benefits when carrying out their functions. The Bill will also provide for a national governance framework, including financial and reporting arrangements.</p>
Timetable What is the time frame for a policy announcement/consultation/implementation?	The draft Bill is due to be introduced in January 2018.
Date	23 November 2017
Signature	Nikki Milne

CRWIA Stage 1 Screening - key questions

1. What aspects of the policy/measure will affect children and young people up to the age of 18?

The Articles of the UNCRC and the wellbeing indicators under the Children and Young People (Scotland) 2014 apply to all children and young people up to the age of 18, including non-citizen and undocumented children and young people.

The Bill provides a legislative framework for the management of Scottish Crown Estate assets and our assessment is that it will not affect children and young people up to the age of 18.

2. What likely impact - direct or indirect - will the policy/measure have on children and young people?

‘Direct’ impact refers to policies/measures where children and young people are directly affected by the proposed changes e.g. in early years, education, child protection or looked after children (children in care). ‘Indirect’ impact refers to policies/measures that are not directly aimed at children but will have an impact on them. Examples include: welfare reforms, parental leave, housing supply or local transport schemes.

No direct impacts are expected from the legislation.

A driver for reform of the management of Scottish Crown Estate assets is to seek to ensure that local communities benefit from the devolution of the powers – through opportunities for local management of parts of the estate, and the SG’s commitment to provide the net revenue from marine assets out to 12 nautical miles to coastal and island councils. In addition, future managers of assets will be required to follow commercial aims, under the Crown Estate Act 1961, but will have discretion to take account of wider socio-economic, environmental or sustainability benefits when carrying out their functions.

All of the above factors could have an indirect positive impact.

3. Are there particular groups of children and young people who are more likely to be affected than others?

Under the UNCRC ‘children’ can refer to: individual children, groups of children, or children in general. Some groups of children will relate to the groups with protected characteristics under the Equality Act 2010: disability, race, religion or belief, sex, sexual orientation. It may be possible to align the CRWIA with the EQIA in these cases. ‘Groups’ can also refer to children by age band or setting, or those who are eligible for special protection or assistance e.g. pre-school children, children in hospital, children in rural areas, looked after children, young people who offend, victims of abuse or exploitation, child asylum-seekers, or children living in poverty.

No.

4. Who else have you involved in your deliberations?

Have you included all policy leads who may have an interest in these developments?

During the development of the consultation and draft Bill, policy teams in Scottish Government - Forestry, Land Reform, Local Government, Community Engagement, Agriculture, Aquaculture, Constitutional, Ports & Harbours, Energy – were consulted.

5. Will this require a CRWIA?

Explain your reasons

No. The Bill is providing a legislative framework for reform of management of Scottish Crown Estate assets and does not affect children and young people up to the age of 18.

We would consider whether CRWIAs were required when considering specific policy proposals which arise from the transfer or delegation of the management of individual assets, where these are to be managed in the long term by community organisations.

CRWIA Declaration**CRWIA required****CRWIA not required**

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Authorisation**Policy lead**

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Date

27 November 2017

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28 November 2017



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